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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/115,654	07/15/98	SHIBATA	Y 98092

QM12/0719  
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EXAMINER

DEXTER, C

ART UNIT	PAPER NUMBER
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3724

DATE MAILED:

//  
07/19/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/115,654

Applicant(s)  
Shibata

Examiner  
Clark F. Dexter

Group Art Unit  
3724



☒ Responsive to communication(s) filed on Apr 21, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-32 is/are pending in the application.

Of the above, claim(s) 2-11 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1, 12, 18-27, and 31 is/are rejected.

☒ Claim(s) 13-17, 28-30, and 32 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Apr 21, 2000 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### **DETAILED ACTION**

1. The amendment filed April 21, 2000 has been entered.

#### ***Information Disclosure Statement***

2. The information disclosure statement filed July 15, 1998 (paper #2) has been received and the references listed thereon have been considered (this was not previously considered due to an oversight).

#### ***Drawings***

3. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on April 21, 2000 have been **approved**.

#### ***Claim Rejections - 35 USC § 112***

4. Claims 20-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 20, line 3, the limitation "capable of detecting vertical movement of the saw blade" is vague and indefinite since sufficient structure has not been set forth to perform such a function (e.g., the structural relationship between the first sensor and other claimed features); in

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lines 6-7, the limitation “capable of detecting horizontal movement of the saw blade” is vague and indefinite since sufficient structure has not been set forth to perform such a function.

In claim 22, lines 10-11, the phrase “can detect ... relative to the slide shaft” is vague and indefinite since sufficient structure has not been set forth to perform such a function; in lines 12-14, the phrase “can fix the slide shaft ... of vertical pivotal movement” is vague and indefinite since sufficient structure has not been set forth to perform such a function; in lines 15-16, the phrase “can detect ... relative to the support arm” is vague and indefinite since sufficient structure has not been set forth to perform such a function; in lines 17-19, the phrase “can fix the saw blade ... of horizontal pivotal movement” is vague and indefinite since sufficient structure has not been set forth to perform such a function. ←

In claim 25, line <sup>3</sup>2, “a first detector plate” renders the claim vague and indefinite, particularly since it is not clear how the first detector plate relates to the first sensor (which it is disclosed as being part of); in line <sup>4</sup>3, “is” appears to be inaccurate, and it seems that it should read --includes-- or the like; in line <sup>13</sup>10, “a plurality of second parallel identification bars” renders the claim vague and indefinite, particularly since it is not clear how the second bars relate to the second sensor (which it is disclosed as being part of).

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***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 1 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Deley.

Deley discloses a circular saw with every structural limitation of the claimed invention including a table (e.g., 12), a saw unit (e.g., 16), means (e.g., 54, 58, 69, 73, 76, 90) for supporting the saw unit for movement in the horizontal and vertical directions, and a first lock means (e.g., 64).

7. Claims 1, 12, 18, 19, 26, 27 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Itzov.

Itzov discloses a circular saw with every structural limitation of the claimed invention including a table (e.g., 62), a saw unit (e.g., 602, 614, 618, 622), means for supporting the saw unit for movement in the horizontal and vertical directions, a first lock means/first lock (e.g., 542) and a second lock means/second lock (e.g., 722).

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***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Itzov.

Itzov lacks a first sensor and a second sensor as best understood as claimed. However, the Examiner takes Official notice that movement/position sensors are old and well known in the art for detecting the position of particular components in an apparatus. Therefore, it would have been obvious to one having ordinary skill in the art to provide a first and second sensor on the first and second locks of Itzov for the well known benefits including that described above, more particularly, for detecting the position of the respective locks. It is noted that the language "capable of detecting vertical/horizontal movement of the saw blade" has been given little patentable weight since it is not clear as to what structure is being set forth for the claimed invention.

***Response to Arguments***

10. Applicant's arguments filed April 21, 2000 have been fully considered but they are not persuasive.

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In the third paragraph on page 14 of the amendment, applicant argues that the "location of the sensor is clear from the claim, and the function of the sensor, to sense, can be performed by different types of sensors." The Examiner respectfully disagrees. The location of each of the sensors is not positively set forth in the claim, only what the sensors are capable of; that is, it appears to be defining any movement sensor coupled to the first lock, since any movement sensor would be "capable of detecting" a vertical or horizontal movement. Thus, it remains unclear as to what structure is intended to be set forth for the first and second sensors. The same applies to claim 22.

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.

Communications via Internet e-mail regarding this application, other than those under 35 USC 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [rinaldi.rada@uspto.gov].

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All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 USC 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark Office on February 25, 1997 at 1195 OG 89.



**Clark F. Dexter**  
**Primary Examiner**  
**Art Unit 3724**

cfid  
July 17, 2000